

**OECD Workshop on Public Sector Information  
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[Full Version of the Shortened Oral Presentation at the Workshop]

## **1 Introduction**

[1.] In the light of the discussions of the Rome Conference and of this Workshop I will seek to address three questions:

[2.] 1.) Why an OECD Recommendation?

[3.] 2.) Why a Recommendation now? And:

[4.] 3.) What contents for a Recommendation?

[5.] In doing so I will at the same time attempt to link the activities of this Working Group to a broader context of national and international policies concerning public sector information.

## **2 Why an OECD Recommendation?**

[6.] The issue of public sector information and its impact on the information market has been on the national and international agenda at least since the 1980s: In the United States of America, at least on the federal level, against the background of constitutional, legal and cultural framework conditions, public sector information policies had developed through the co-operation of actors from the public sector, the information industry and Civil Society. These principles have since then – in spite of occasional controversies and ongoing criticism with regard to specific issues - allowed to optimize the creation, enhancement and distribution of public sector information while adequately balancing public sector, private sector and Civil Society concerns. Spawned by this example, the European Union – in a constant political effort – had moved from the “Synergy Guidelines” in 1989 to a Re-Use of Public Sector Information

Directive in 2003. In addition several countries – e.g. the United Kingdom, France, several Nordic countries, and also countries like Switzerland have developed and implemented policies on this issue over time.

[7.] Addressing these questions now on the *OECD* level with the aim of eventually developing an OECD instrument recognizes the efforts of these Member States, as well as the inherently international character of Knowledge Oriented Societies and Information Markets, encourages and vitalizes innovation policies of Member States by harnessing additional information resources, and helps to further optimize international exchange.

[8.] Putting general principles for such policies into an instrument like a Recommendation will alert the interest in Member States that so far had no opportunity to develop policies in this field. A Recommendation may also invite those Member States that have already been pursuing policies to compare and evaluate them across national boundaries. An OECD Recommendation, in particular, might provide a useful umbrella for new modes of bilateral and multilateral co-operation in this field.

[9.] Private sector actors would be encouraged by a Recommendation to raise the issues in their dealings with governments and public sector institutions on a national and transnational level.

[10.] Civil Society interests would receive an international point of reference for the information society related and non-monetary value aspects of public sector information.

[11.] Finally a Recommendation would help to raise the general discussion of these issues up to the level of the international organizational and technological state of the art.

### **3 Why an OECD Recommendation *now*?**

[12.] Political initiatives have their critical moment, their “window of opportunity” when they can obtain the best ratio between their input efforts and positive output results. Discussions in this Working Group seem to indicate that with regard to methodology, the availability of empirical data and the results of analyses the area of public sector information and its possible impacts is still to a large extent an area in various shades of grey on the map of economic knowledge deserving thus further exploratory expeditions.

[13.] On the other hand the analyses already undertaken, as well as experiential evidence from current policies in place and available case studies seem to indicate that there is already a volume of knowledge to digest and distill for meaningful policy suggestions which in themselves – as a constant - carry the need for further ongoing, parallel and periodic evaluation, on the OECD, regional and national levels.

[14.] Additional political factors point to the need as well as the opportunity for a Recommendation at this period of time:

[15.] An OECD Recommendation would address Member States, particularly those that are also members of the EU, at a critical stage when they have to implement the Public Sector Information Re-Use Directive.

[16.] An OECD Recommendation would come at a time when EU institutions are in the process of reflecting on the impact and future of that Directive.

[17.] An OECD Recommendation would move North American and European national and regional initiatives on to an international level at a crucial time when other economies start addressing these issues and when consequently the structures of a truly global information market for public sector information start to evolve. By its very nature an OECD Recommendation on public sector information addressing primarily Member States *Governments* can then effectively and directly reach the key agents of such policy making, and can reach them simultaneously and across different economic and regional settings.

#### 4 What Contents for an OECD Recommendation?

[18.] My colleague, the late PETER WEISS, and I have tried to transform experiences of national and regional policy making into a set of general principles which, according to our observations and estimation, seem to be emerging as those with the highest probability to secure innovation and a balance of interests surrounding public sector information on a mid to long-term scale of expectations. These principles – added to the material of this workshop (p.5 of the Agenda) - have been intended for discussion. While the contents of these principles are, indeed, open to discussion, the issues addressed by these principles need, in our view, to be addressed by an international instrument:

[19.] **General/Sector Specific.** An OECD Recommendation should be general. It should set the interpretative context in which sector specific

issues can then be addressed more coherently and effectively. The Recommendations can then be used as a point of reference in the light of the various sector specific needs, and their use can such be optimized in different settings.

[20.] **Efforts by the Public Sector.** An OECD Recommendation has to address and encourage the efforts by the public sector needed to harness the value of public sector information beyond its use in the public sector: enhancing the knowledge about the existence of such information, assuring its quality and non-discriminatory accessibility across formats, and facilitating its reuse (see e.g. the Inventory Principle, the Access Principle, the Quality Principle, IPR and Control of Origin Principles as quoted in the Agenda at p.5).

[21.] **Cost Issues.** An OECD Recommendation should address the cost issue; this issue is crucial for value-adding activities in the Private Sector as well as for Civil Society interests. If agreement cannot be reached on a Marginal Costs of Dissemination Principle that – in our view – reflect best the potentials of information and communication technology for this field, the need for transparent and non-discriminatory conditions should at least be maintained.

[22.] **Needs for Balance.** Any activities of the public sector in particular have to be seen in the light of its broader obligations for the economic, social and cultural well being of its citizens and the effects on the international community. Economic, political and regulatory activities of governments, regional and international institutions are under increasingly intensive and increasingly global scrutiny by the Civil Society to ensure an adequate distribution of the advantages of Information and Knowledge Society oriented policies. Policies on public sector information, in particular, because of the manifold contexts and value connotations of such information need to reflect the responsibilities resulting from its special character (as expressed e.g. in national, regional and international regimes for data protection and freedom of information) and provide Member States with the necessary margin of appreciation to pursue adequate policies to meet such responsibilities.

[23.] **General Aim.** In addressing these issues an OECD instrument could then reflect a common international consensus of Public Sector, Private Sector and Civil Society interests guiding national and regional implementation, and eventually adaptation across the various information sectors. //hb